

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|-----------------------------------|---|------------------------|
| Cornelius Eubanks, |) | |
| |) | C/A No.: 3:04-0648-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| The University of South Carolina, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Plaintiff Cornelius Eubanks is or was an employee of Defendant University of South Carolina. Plaintiff filed this action on March 1, 2004, asserting that he had been subjected to discriminatory treatment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.

This matter is before the court on Defendant's motion for summary judgment, which motion was filed September 30, 2005 (Entry 16). Defendant contends that Plaintiff has failed to demonstrate that he suffered any adverse employment action at the hands of Defendant that was motivated by a racial animus. Plaintiff filed a response to the motion on October 25, 2006, to which Defendant filed a reply on November 4, 2005. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. The Magistrate Judge issued a Report and Recommendation on August 2, 2006, in which he recommended that Defendant's motion for summary judgment be granted. Plaintiff filed objections to the Report on August 28, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's objections in their entirety provide as follows:

Although the plaintiff is not able to advance any argument not heretofore asserted, and although he has no additional evidence or legal authority other than that provided in his memorandum opposing summary judgment, he respectfully objects to the Report and Recommendation of the Magistrate Judge and hereby reaffirms the points and arguments previously asserted.

Plaintiff's Objections to Magistrate Judge's Report and Recommendation (Entry 27).

The court need not conduct a de novo review when, as in this case, a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. See Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Nevertheless the court has thoroughly reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated therein and in this order, Defendant's motion for summary judgment (Entry 16) is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

August 29, 2006

Columbia, South Carolina